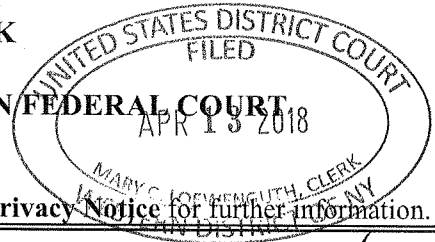


Revised 03/06 WDNV

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

**FORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT
(Non-Prisoner Context)**



All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION 18 CV 443V

A. Full Name of Plaintiff: NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.

Benedict Genco

-VS-

B. Full Name(s) of Defendant(s) NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.

- | | |
|--------------------------------------|----------|
| 1. <u>Michael P. Santa Maria PhD</u> | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT

All of these sections **MUST** be answered

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court: Discrimination based on working out of your local capacity
disabilities Carol Parker, learning mitochondrial disease
2006 injury numb part of right thumb Americans with Disabilities Act 1990
Criminal Impersonation E felony
 State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State. Violated

B. Reason for Venue in the Western District: Connected with Genco U.S. Starpoint
Central School District board of Education, Sergeant and Collins

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

C. Nature of Suit: Violations of the Americans with
Disabilities Act of 1990
Retaliation conspiracy, failure to
provide as a medical doctor online is an E felony
offer any option on any accommodation for documented
disabilities. Violates with intent Americans with Disabilities Act of
1990 to assist Sergeant and Collins LLP and Starpoint CSO.
As written in a June 29, 2017 letter withholding the report from
March 16, 2017

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name of First Plaintiff: Benedict Genie

Present Address: 4000 crescent dr
north Tarrant County TX 76120

Name of Second Plaintiff: _____

Present Address: _____

DEFENDANT'S INFORMATION NOTE: To list additional defendants, use this format on another sheet of paper.

Name of First Defendant: Michael P Santa Maria PhD.

Official Position of Defendant (if relevant): owner

Address of Defendant: Prescott Memorial Hospital 445 fremont st
room 331 PO Box 750 north Tarrant County TX 76120-0750

Name of Second Defendant: _____

Official Position of Defendant (if relevant): _____

Address of Defendant: _____

Name of Third Defendant: _____

Official Position of Defendant (if relevant): _____

Address of Defendant: _____

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in **state or federal court** dealing with **the same facts involved in this action**?

Yes ☒ No ☐

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): Benedict Genie

Defendant(s): Starpoint Central School DistrictSargent and Collins, Webster Szanti / PCV 93

2. Court (if federal court, name the district; if state court, name the county): US District court in the Western District of New York
3. Docket or Index Number: Civil action 17 CV 1168, 18 CV 107
4. Name of Judge to whom case was assigned: Lawrence S. Vioro
5. The approximate date the action was filed: November 15, 2017
6. What was the disposition of the case?

Is it still pending? Yes ☒ No ☐

If not, give the approximate date it was resolved. _____

Disposition (check those statements which apply):

☐ Dismissed (check the statement which indicates why it was dismissed):☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;☐ By court due to your voluntary withdrawal of claim;☐ Judgment upon motion or after trial entered for☐ plaintiff☐ defendant.**5. STATEMENT OF CLAIM**

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

A. FIRST CLAIM: On (date of the incident) March 15, 2017, March 16, 2017,
 defendant (give the **name and (if relevant) the position held** of each defendant involved in this incident) conducted
an illegal exam after being hired by Sargent and Collins
LLP of Benedict Genco on behalf of Starpoint CSO
Dr. Michael P. Sontag Mariapho failed to attend medical school.
Give a medical opinion to employees. Targeting Benedict Genco

did the following to me (briefly state what each defendant named above did): Used medical records of birth defect disabilities cerebral palsy, Legenies disability. False claims of mental illness, a false diagnosis from Erie County Medical Center Dr. Laura C. Henderson was used to return to work note from ECME against Benedict Gonco for a psychiatric case manager he never has seen. Used Dr. Reports from tone exam from Dr. Michael Hayes MD detrimentally, Benedict Gonco was unlawfully injured by ECME

The federal basis for this claim is: Americans with disabilities act of 1990 and subsequent years, Failure to direct the employer to accommodate disability

State briefly **exactly** what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

Make Benedict Gonco whole. An award of 10 million in monetary damages and all legal costs.

B. SECOND CLAIM: On (date of the incident) Michael P. Santa Maria PhD, defendant (give the name and (if relevant) position held of each defendant involved in this incident) March 15, 2017 on 2 March 16, 2017. Defendant is committing false advertising and an E Felony criminal impersonation on web MD

did the following to me (briefly state what each defendant named above did): March 15, 2017 conducted an illegal exam. He did not provide any type of mental exam. This Dr. is a PhD not a medical doctor. There were no grounds for an exam to be conducted. This effected employment at St. Joseph CSD and Benedict Gonco has not been paid for months. Dr. Santa Maria did not conduct the examination

The federal basis for this claim is: Americans with Disabilities Act Retaliation by threats against Benedict Gonco. Multiple state laws committed criminal impersonation an E Felony

State briefly **exactly** what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

To be made whole

If you have additional claims, use the above format to set them out on additional sheets of paper.

6. SUMMARY OF RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

Exposurement of all records.

10 million in damages (monitory, all legal fees and
costs. Pay of \$24,31 hr to be reinstated back pay
and since may 30, 2017 at 40 hr per week and overtime
as well

Do you want a jury trial? Yes ☒ No ☐

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 11, 2018
(date)

NOTE: *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*



Signature(s) of Plaintiff(s)